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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,647	03/23/2004	Rosa Wilkins-Langie	WILI.PAU.01	3897
7590 Joseph C. Andras MYERS DAWES ANDRAS & SHERMAN LLP Suite 1150 19900 MacArthur Blvd. Irvine, CA 92612			EXAMINER  MAL, TRI M	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 09/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/807,647

**Applicant(s)**

WILKINS-LANGIE ET AL.

**Examiner**

Tri M. Mai

**Art Unit**

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,6-9,12,13,15-17,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-9,12,13,15-17,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

1. Claims 33 and 34 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure does not teach the specificities of the height relative to the width of the bag as set forth in these claims.

2. Claims 1, 10, 12, and 13 and are rejected under 35 U.S.C. 102 (e) as being anticipated by Scicluna et al. (20040108179) or in the alternative under 35 U.S.C. 103 (a) as being unpatentable over Scicluna in view of Godshaw (6883654). Scicluna teaches a utility bag having a vertically stacked position as shown in Fig. 2, and horizontally position as shown in Fig. 5. It is noted the lower compartment with the opening facing, the middle compartment opening facing downward (note that in the stacked position the opening with portion 96 facing downward, and the upper compartment facing upward (the opening with flap 90 facing upward in the stacked position). The upper compartment having a lid portion 96 selectively covering its opening having a central handle 26 for carrying the utility bag. The bag being movable from the vertically stacked position to the horizontal position. Note the first and second articulations at 48 and 38a on opposite sides as shown in Fig. 5 and the three compartment facing upward as shown in Fig. 5. It is noted that the term "central handle" does not impart any structure over the handles 26. In the very least, when the handle is located centrally when the two handle comes together at the middle or the each of the handle centrally located with respect to the length dimension of the luggage. To the degree it is argued otherwise, Godshaw teaches that it is known in the art to

provide a handle on the top. Thus, to provide a handle would have been obvious to provide an alternative means for carrying the device.

Note the strap is the portion 78.

Regarding claim 12, Godshaw teaches that it is known in the art to provide mesh pockets 77. It would have been obvious to one of ordinary skill in the art to provide mesh pocket to enable one to see the inside contents.

3. Claims 3, 8, and 9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Scicluna in view of Bernbaum (6644448). Scicluna meets all claimed limitations except for the pockets. Bernbaum teaches that it is known in the art to provide mesh pockets as shown in Fig. 1, 4. Thus, it would have been obvious for one of ordinary skill in the art to provide pockets in one of the compartment as taught by Bernbaum to enable one to store addition contents for easy access.

Regarding claim 9, Bernbaum teaches that it is known in the art to provide straps as shown in Fig. 11. It would have been obvious to one of ordinary skill in the art to provide straps as taught by Bernbaum to provide added security.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. in view of Tong. It would have been obvious to one of ordinary skill in the art to provide mesh internal pocket as taught by Tong, see Fig. 5, to separate the contents easily.

5. Claims 15-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Scicluna in view of Abraham et al. (6073738). Scicluna meets all claimed limitations except for separator flap securing an interior of the first and middle compartment. Abraham teaches that it is known in the art to provide a separator flap with pockets as shown in Fig. 7. It would have been obvious

for one of ordinary skill in the art to provide a separator flap securing to an interior of the middle and first compartments as taught by Abraham to enable to separate the contents in each compartment easily.

6. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna. It would have been obvious to one of ordinary skill in the art to provide the dimension as claimed to provide the desired dimension for the bag.

7. Claims 1, 3, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum et al. (20040045780) in view of Godshaw and further in view of Young (6015072). Bernbaum teaches a three stacked compartment with the openings facing upward in Fig. 21 and these compartments would inherently arrange in the manner as claimed. This embodiment does not teach the central handle. Godshaw teaches that it is known in the art to provide a central handle as shown in Fig. 1. It would have been obvious to one of ordinary skill in the art to provide a central handle to provide an alternative device to enable one to carry the device easily. Bernbaum teaches that it is known in the art to provide mesh pockets as shown in Fig 1, 4. Thus, it would have been obvious for one of ordinary skill in the art to provide pockets in one of the compartment as taught by Bernbaum to enable one to store addition contents for easy access.

Bernbaum teaches the zipper on the bottom, but does not mention the compartments are attached by zipper. Young teaches that it is known in the art to provide zipper for attachment at 46, 84. thus, It would have been obvious to one of ordinary skill in the art to provide zipper attachments for the compartments to provide an alternative attachment means.

Regarding claim 9, Bernbaum teaches that it is known in the art to provide straps as shown in Fig. 11. It would have been obvious to one of ordinary skill in the art to provide straps as taught by Bernbaum to provide added security.

Regarding claim 10, Bernbaum teaches that it is known in the art to provide zipper to secure the compartments together at 16h, 8B IV. Thus, to use zipper to secure the compartments together would have been obvious.

8. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. or Bernbaum rejections, as set forth in paragraph 5, and further in view of Young (6015072). It would have been obvious to one of ordinary skill in the art to provide removable plastic liner as taught by Young, shown in Fig. 2 to provide added protection for the contents.

9. Claims 12-13, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernbaum rejection as set forth in paragraph 5, and further in view of Abraham et al. Bernbaum meets all claimed limitations except for the separator flap (cl. 15-17), the strap (cl. 13, and the internal pocket (cl. 12). Abraham teaches that it is known in the art to provide a separator flap with mesh pocket (Fig. 7), straps (Fig. 6) as shown in Fig. 7. It would have been obvious for one of ordinary skill in the art to provide a separator flap securing to an interior of the middle and first compartments as taught by Abraham to enable one to separate the contents easily and to provide additional storage space in each compartment.

10. Claims 1, 3, 6, 7, 8, 9, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (4418806) in view of Scicluna et al. or Young '072, and further in view of Hassett (D465329). Johnson teaches a bag with three compartments as claimed. Johnson does not teach the lid with a handle along with the zipper structure connecting the three

compartments together. Either Scicluna et al. or Young teaches that it is known in the art to provide zipper for connecting the three compartments together. Thus, to provide the zipper structure connecting the three compartments together would have been obvious. With respect to the lid and the handle. Hassett teaches that it is known in the art to provide a lid with a handle. Thus to provide a lid with a handle as taught by Hassett would have been obvious to provide an alternative closure for the device.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson rejection, as set forth in paragraph 10, and further in view of Bernbaum. Bernbaum teaches that it is known in the art to provide mesh pockets as shown in Fig 1, 4. Thus, it would have been obvious for one of ordinary skill in the art to provide pockets in one of the compartment as taught by Bernbaum to enable one to store addition contents for easy access.

12. Claims 12, 13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson rejection, as set forth in paragraph 10, and further in view of Abraham et al. It would have been obvious for one of ordinary skill in the art to provide a separator flap securing to an interior of the middle and first compartments as taught by Abraham to enable one to separate the contents easily and to provide additional storage space in each compartment.

13. It is noted that the 37CFR 1.131 has been fully considered, but they do not overcome over the prior art of record. It is noted that the evident submitted by the declaration show only the concept of the three-compartment bag. However, the claimed device recites, inter alia, the zipper structure, the lid portion with a central handle which is not shown by the drawings shown in the declaration.

Applicant is required to identify all claimed elements that is present in the evidence submitted under 37CFR 1.131 to facilitate the examination process.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tri M. Mai/  
Primary Examiner, Art Unit 3781